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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,841	08/08/2003	William Delaplaine Green		3345

7590 02/25/2010
William Delaplaine Green
508 East 5th Street
Bethlehem, PA 18015

EXAMINER

KAMEN, NOAH P

ART UNIT	PAPER NUMBER
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3741

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02/25/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10637841	8/8/2003	GREEN, WILLIAM DELAPLAINE	

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EXAMINER

Noah Kamen

ART UNIT**PAPER**

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20100223

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Commissioner for Patents

The timely submission under 37 CFR 1.129(a) filed on 1/19/10 is not fully responsive to the prior Office action because there is no marked up copy of the substitute specification dated 3/19/05. Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a). If a notice of appeal and the fee set forth in 37 CFR 1.17(e) were filed prior to or with the payment of the fee set forth in 37 CFR 1.17(r), the payment of the fee set forth in 37 CFR 1.17(r) by applicant is construed as a request to dismiss the appeal and to continue prosecution under 37 CFR 1.129(a). The appeal stands dismissed.

The letter dated 1/19/10 indicates that the original application filed 8/8/03 should be referenced. However, this remark fails to address the requirement for a marked up copy of the substitute specification.

The examiner regrets the delay in the request for a marked up copy. The present examiner has just now taken over this case from an examiner no longer with the PTO. Because of the huge number of claims and the complexity of the case with the possibility of new matter the examiner must have the marked up copy before preceding any further.

The applicant is correct that numbering the elements in each claim is not a requirement. As mentioned in the previous action, this would be a "courtesy copy" to assist the examiner in assuring that there no new matter and in interpreting the claims so as to make an accurate determination as to the desired meets and bounds of the claims, especially since the applicant is a pro se.

/Noah Kamen/
Primary Examiner
Art Unit: 3741